



Los Angeles County Office of Education

May 22, 2003

Darline P. Robles, Ph.D.
Superintendent

Los Angeles County
Board of Education

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President

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Sophia Waugh

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

Proposed Transfer of Territory from the
Los Angeles Community College District (CCD) to the Santa Monica CCD

Pursuant to Education Code (EC) §74250, this letter requests that the Los Angeles County Board of Supervisors (Board) make an Order, prior to December 1, 2003, to change certain community college district boundaries and to cause such Order, legal description, and map or plat indicating the boundaries established to be filed with the appropriate governmental offices as requested below.

The Office of the Los Angeles County Counsel (County Counsel) has reviewed this request and supporting documentation noted in the enclosed checklist. Twenty-two copies of this correspondence (11 with enclosures) are provided for distribution by your Board to the appropriate offices.

Background

On March 7, 2003, the Los Angeles County Office of Education (LACOE) received a request from the Los Angeles CCD Board of Education to review a petition dated October 23, 2002, requesting to transfer certain uninhabited territory from the Los Angeles CCD to the Santa Monica CCD pursuant to EC §74100(b).

On December 12, 2002, LACOE received a November 4, 2002, resolution passed by the Santa Monica CCD Board of Education requesting to transfer certain uninhabited territory from the Los Angeles CCD to the Santa Monica CCD pursuant to EC §74100(b).

In accordance with EC §74104, on March 7, 2003, the Los Angeles County Superintendent of Schools (County Superintendent) found the petition/resolution to be sufficient and signed as required by law and transmitted it to the Board of Governors (BOG).

EC §74104 specifies that, "... if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than five percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years."

Because the subject petition/resolution complies with all of the criteria of EC §74104, it was not reviewed by the Los Angeles County Committee on School District Organization (County Committee).

EC §74205 specifies that the County Superintendent transmit the petition, order the petition be granted, and notify the Board when:

- the conditions of EC §74101 are substantially met;
- the petition is to transfer territory of less than five percent of the adult population in the district from which the territory is being transferred; and
- the governing boards of the affected school districts have consented to the transfer of territory.

Action Requested

Accordingly, the County Superintendent respectfully requests that your Board take the following actions on or before December 1, 2003:

1. Make an Order changing the boundaries of the Los Angeles and Santa Monica CCDs in accordance with the petition/resolution and the enclosed maps as required by EC §74250 and §74251;
2. Cause such Order to be entered in the Los Angeles County's record of school districts;
3. Produce map(s) and legal descriptions of the affected school districts in accordance with Opinion No. 97-706 of the California State Attorney General;
4. Cause a copy of such Order, along with map(s) and legal description indicating such change, to be filed in the following offices and agencies: the Los Angeles County Superintendent of Schools, Assessor, Auditor-Controller, Department of Public Works, and Registrar-Recorder/County Clerk, the Valuation Division of the State Board of Equalization (SBEq), the State Allocation Board, the State Superintendent of Public Instruction, and the affected school districts; and
5. Forward the enclosed check (payable to the SBEq), boundary description, and copies of map(s) and legal descriptions of the affected school districts to the SBEq.

In accordance with EC §74251, for the transfer to become effective on July 1, 2004, the above actions must be completed prior to December 1, 2003. Actions subsequent to December 1, 2003, will cause the effective date of the change to be delayed to July 1, 2005.

Should you have questions regarding the above or require additional information, please contact Mr. Daniel G. Villanueva, Secretary to the County Committee, at (562) 922-6144.

Respectfully submitted,



Darline P. Robles, Ph.D.
Superintendent

DPR/DGV:mb
Enclosures

cc: Ms. Martin, BOG
Mr. Drummond, Los Angeles CCD
Dr. Robertson, Santa Monica CCD
Mr. Donner, Santa Monica CCD
Ms. Sacks, Law Offices of Christensen, Miller, Fink, Jacobs, Glaser,
Weil & Shapiro, LLP
Ms. Curtis, County Counsel
Dr. Welsh, LACOE
Ms. Simons, LACOE
Mr. Villanueva, LACOE
Ms. Deegan, LACOE

TRANSFER OF TERRITORY

Material for Los Angeles County Board of Supervisors
(*Los Angeles Community College District (CCD) to the Santa Monica CCD*)

- ☒ Cover Letter — Letter of Recommendation
- ☒ Referenced Education and Government Code Sections
- ☒ Opinion No. 97-706 of the California State Attorney General
- ☒ Petition Signed by the Majority of Governing Board Members of the Los Angeles CCD
- ☒ Resolution Signed by the Majority of Governing Board Members of the Santa Monica CCD
- ☒ Letter to the Board of Governors Transmitting Petition
- ☒ District(s) Resolution — Negotiated Exchange of Property Tax Revenue
- ☒ Statement of Boundary Change and Warrant Payable to the State Board of Equalization

Transmitted to the Board Clerk on 5/28/03
Date

CALIFORNIA EDUCATION CODE

74100. An action to reorganize one or more districts by the transfer of territory to another district is initiated upon the filing of a petition with the county superintendent of schools having jurisdiction. A petition to reorganize districts by the transfer of territory to another district shall be signed by either of the following:

(a) Where the petition is to transfer territory currently located in one district, at least 25 percent of the registered voters residing in the territory proposed to be transferred shall sign the petition. Where the petition is to transfer territory currently located in two or more districts, at least 25 percent of the registered voters residing in the territory proposed to be transferred in each district shall sign the petition.

(b) A majority of the members of each of the governing boards of the districts which would be affected by the proposed reorganization.

74104. Upon receipt of the petition, the county superintendent of schools shall transmit a copy of the petition to the board of governors. The county superintendent of schools, within 30 days after the petition for reorganization is filed, shall examine the petition and, if he or she finds it to be sufficient and signed as required by law, shall transmit the petition simultaneously to the county committee, the governing board of each affected district, and the board of governors.

Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years.

74205. After affording interested persons an opportunity to present their views on the proposal, the board of governors shall give notice of approval or disapproval to the county committee and county superintendents of schools having jurisdiction over any of the districts whose boundaries would be affected by the reorganization.

Whenever a proposal is disapproved, the board of governors shall provide in writing the basis for rejection.

74250. After the board of supervisors receives official notification that an action to reorganize districts has been approved as provided by law, the board of supervisors shall issue an order to change districts where required by the action, and to establish or reestablish the boundaries of the districts affected by the action. The order shall be entered in the county's record of districts.

If the action results in a change of district boundaries of the type described in Section 54900 of the Government Code, the order of the board of supervisors shall include the legal description of each district changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

74251. (a) An action to reorganize districts is complete when the board of supervisors makes the order pursuant to Section 74250.

(b) After the expiration of one year from the date of the order, the order shall be conclusive evidence that the district has been legally organized, or the boundaries legally changed, as the case may be, and no suit shall be maintained which questions the validity of the organization or change of boundaries.

(c) For purposes of district tax revenues and governance, the order shall be effective as of the beginning of the succeeding fiscal year.

"An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

"(a) At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in that territory in each of those districts.

"(b) A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.

" "

If the petition contains a sufficient number of signatures, a hearing is held. (§ 35722.) Up to three persons are to be designated as "chief petitioners" for the purpose of receiving notices of any public hearings. (§ 35701.) After the public hearings and all required approvals have been obtained, an election may be held. (§§ 35710.51, 35722.)

Section 35703 provides that a petition initiating a school district reorganization may include the provisions found in sections 35730-35738. The latter statutes cover such topics as the governing law for the new school district, number of board members, territory in which the election shall be held, whether trustees will represent areas or the entire district, computation of revenue limits, division of obligations, property and indebtedness, and election procedures for the first governing board. However, there is no statutory mandate that the petition contain any of these provisions. Indeed, there are no specific directives as to the contents of a school district reorganization petition. This is made evident by the fact that the county committee on school district organization (see § 35720) may add to the petition any appropriate provisions specified in sections 35730-35738 "which were not included in the petition as filed." (§ 35705.5, subd. (a).)

Nevertheless, it may reasonably be seen that the petition must identify the type of reorganization proposed and the territory to be reorganized with sufficient specificity so that (1) a determination may be made as to whether the petition contains a sufficient number of signatures from the area's residents and (2) voters will be informed as to the nature of the proposed reorganization at the time of the election.

1. Preparing and Filing an Official Map and Legal Description

The first question to be resolved concerns the date when an official map and legal description of the boundaries of a proposed school district reorganization must be prepared and filed. Are the petitioners of a reorganization required, for example, to furnish a legal description of the proposed boundaries prior to circulating the petition? We conclude that an official map and legal description are not required until after the voters have approved the reorganization.

As noted above, the Education Code provisions dealing with petitions for reorganizations of school districts do not require any specific matters to be included in a petition, and make no reference to preparing maps or a legal description of the area proposed for reorganization. We must therefore determine

whether any other statutory scheme requires preparation of a map or legal description as a condition precedent to filing a petition for a school district reorganization or which sets any other deadline for such preparation.

We first examine the provisions of Government Code sections 54900-54916.5, which deal with changes in the boundaries of cities, districts, and other areas where a special tax assessment is carried on the county assessment roll for property tax purposes. Government Code sections 54900 and 54901 require the filing of a "statement," in the form required by the State Board of Equalization, that describes the changes and which must "include a legal description of said boundaries and a map or plat indicating the boundaries." (Gov. Code, § 54901, subd. (a).) The statement must be filed "[o]n or before December 1 of the year immediately preceding the year in which the assessments or taxes are to be levied" (Gov. Code, § 54902), and the proposed changes are not effective for assessment or taxation purposes until the statement is filed (Gov. Code, § 54903).

The foregoing Government Code provisions regarding the filing of statements for property tax purposes are applicable to school district reorganizations. Section 35765 explicitly requires compliance with this statutory scheme. Footnote No. 2 However, the filing of a map and legal description is not required until *after* the school district reorganization election. Section 35765 states:

"After the board of supervisors receives a proper certificate of election or other proper evidence that an action to organize or reorganize school districts has been approved as provided by law, the board of supervisors shall make an order to create, change, or terminate school districts as may be required by the action and establish or reestablish the boundaries of the districts affected by the action. The order shall be entered in the county's record of school districts.

"If the action results in the creation of a district or a change of district boundaries of the type described in Section 54900 of the Government Code, the order of the board of supervisors shall include the legal description of each district created or changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established or reestablished for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2, Title 5 of the Government Code."

Thus, compliance with Government Code section 54900 does not necessitate the preparation of any map or legal description prior to circulating a petition for reorganization of a school district; rather, section 35765 and Government Code sections 54900-54916.5, as well as section 35534, require such documents to be prepared only if the reorganization is approved as provided by law. Footnote No. 3

We reject the suggestion that a separate statutory scheme, Government Code sections 58850-58861, is applicable to the circulation of a petition to reorganize a school district. This statutory scheme generally relates to changes in the boundaries of any "district exercising functions that are, or may be, supported by taxes . . . levied on property within the district . . ." (Gov. Code, § 58850, subd. (b)) and requires that "a map showing the boundaries of the territory involved and . . . a specific detailed legal description of the boundaries of such territory" must be submitted to the county surveyor prior to circulating the petition (Gov. Code, § 58852). The county surveyor and county assessor review the boundary description contained in the proposal (Gov. Code, § 58851), after giving notice to all cities, districts, and the county having any land within the proposed area (Gov. Code, § 58855). The county surveyor may hold a public hearing (Gov. Code, § 58857) to consider whether the proposed boundaries are definite and conform with lines of ownership as well as other similar matters of public interest (Gov. Code, § 58856). "If the proponents do not accept the county

surveyor's recommendations as contained in his report, they shall file a statement of reasons with the legislative body having jurisdiction to conduct the appropriate proceedings." (Gov. Code, § 58860.) "Before acting upon any proposal, the legislative body having jurisdiction shall consider the report of the county surveyor and give it such weight as in its judgment the public interest requires." (Gov. Code, § 58861.)

None of the provisions of this legislative scheme are referenced in the Education Code relating to school district reorganizations. Rather, as we have seen, the Education Code requires compliance with a separate statutory scheme, Government Code sections 54900-54916.5, dealing with the preparation and filing of official maps and legal descriptions. We do not view the role of the county surveyor under the terms of Government Code sections 58850-58861 as appropriate to school district reorganizations, given the Legislature's detailed requirements contained in sections 35500-35785 that include the additional requirements specified in Government Code sections 54900-54916.5.

We note also that Government Code sections 58850-58861 may be read in conjunction with Government Code sections 58000-58200, the District Organization Law, dealing with the same subject matter and from which school districts are exempt. (See Gov. Code, §§ 58002, 58004; 21 Ops.Cal.Atty.Gen. 197 (1953).) Footnote No. 4

We believe that the more specific provisions of sections 35534 and 35765 control the more general provisions of Government Code sections 58850-58861. (See Code Civ. Proc., § 1859; *Woods v. Young* (1991) 53 Cal.3d 315, 325 ["specific provision relating to a particular subject will govern a general provision"].) Had the Legislature intended the provisions of Government Code section 58850-58861, in which the official map and legal description are prepared and filed before circulating the petition, to be applicable to school district reorganizations, it could easily have so provided. (See *Safer v. Superior Court* (1975) 15 Cal.3d 230, 237-238 ["the Legislature's clear demonstration that it knows how to grant . . . power when it wishes to do so"].) Instead, it expressly referred to a different statutory scheme in which the map and description are prepared and filed only after the voters have approved the change in boundaries. We have examined in detail the legislative history of sections 35500-35785's requirements dealing with the preparation and filing of official maps and legal descriptions of school district reorganizations. (Stats. 1980, ch. 1192, § 2.) Nothing therein suggests that the county surveyor is to have a role in such boundary changes. We may assume that the Legislature was aware of the earlier statutory scheme (Stats. 1965, ch. 586, § 12) and chose not to incorporate it as it did Government Code sections 54900-54916.5.

Finally, we observe that our interpretation of the requirements of sections 35500-35785 is consistent with that of the Department of Education. "Unless unreasonable or clearly contrary to the statutory language or purpose, the consistent construction of a statute by an agency charged with responsibility for its implementation is entitled to great deference. [Citation.]" (*Dix v. Superior Court* 1991) 53 Cal.3d 442, 460.)

While a petition to reorganize a school district must, prior to public hearings or an election, reasonably identify the territory to be reorganized, we believe this need not be accomplished by way of a legal description. Indeed, a reference to streets or prominent geographic features may provide more meaningful notice to voters than a metes and bounds legal description. A common description may well be adequate in allowing the appropriate officials to determine whether the requisite number of voters have signed the proposed reorganization petition.

We thus conclude in answer to the first question that the preparation and filing of an official map and legal description of the boundaries of a proposed school district reorganization are required only after the reorganization has been approved by the voters.

2. Designating Responsibility for Costs

The second question concerns the party or entity responsible for the costs of preparing an official map and legal description of a school district reorganization, once it has been approved by the voters. We conclude that the county board of supervisors is responsible for such costs.

Section 35765 is again the controlling statute. It directs the board of supervisors to "make an order to create, change, or terminate school districts" and specifies that such order "shall include the legal description of each district created or changed." Section 35765 requires the board of supervisors to "cause . . . a map or plat indicating the boundaries established or reestablished for each district . . . to be filed."

We find no ambiguities in the terms of section 35765. The responsibility for preparing an order, including a description of the new boundaries, is upon the board of supervisors, who must also file the official map of the new district. Since no other parties or entities are mentioned in the statutory language, we believe that the costs of preparing and filing the legal description and map are necessarily to be borne by the board of supervisors as incidental to this legislative mandate.

We conclude in answer to the second question that the county board of supervisors is responsible for the costs of preparing and filing an official map and legal description of the boundaries of a proposed school district reorganization after it has been approved by the voters.

* * * * *

Footnote No. 1

All references hereafter to the Education Code are by section number only.

Footnote No. 2

In addition, section 35534 makes the effective date of a school district reorganization "subject to compliance with Section 5400 of the Government Code." Government Code section 5400 defines "public body" as "any county, city and county, city, public district, public authority or other public corporation which is authorized to issue bonds" for purposes of levying a tax or assessment to cover the principal and interest on unsold bonds. It has no relevance to reorganizations of school districts or any other districts. The obvious typographical error contained in section 35534, however, may be corrected by examining the statute's legislative history. Section 35534 was enacted in 1980 (Stats. 1980, ch. 1192, § 2) at the same time as section 35765 (Stats. 1980, ch. 1192, § 3). The latter statute, dealing with the same subject matter, refers to "Section 54900 of the Government Code," and that it is undoubtedly what the Legislature intended in its reference in section 35534. We are to construe statutes "to make them workable and reasonable" and "to avoid an absurd result." (*Halbert's Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal.App.4th 1233, 1239.) Also, we may harmonize the provisions of sections 35534 and 35765 by concluding that the former statute requires compliance with the terms of Government Code section 54900 when school districts are reorganized. "[S]tatutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible." (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387.)

Footnote No. 3

Moreover, we note that Government Code section 54903.1 provides:

"When a statement of the creation or change of boundaries of a school district and a map or plat thereof is required to be filed with the State Board of Equalization, the authority required to file the statement and map or plat shall, at the same time, file a copy of the statement and map or plat with the Superintendent of Public Instruction and the county superintendent of schools of the county in which the school district is located."

There would be no need to file the requisite maps with the superintendent of public instruction and the county superintendent of schools after the election if the maps were required to be prepared and submitted prior to circulating the reorganization petition. All of these statutes may be read together and harmonized (see *People v. Hull* (1991) 1 Cal.4th 266, 272; *People v. Woodhead* (1987) 43 Cal.3d 1002, 1009) in concluding that a legal description is not required until after the reorganization has been approved by the voters.

Footnote No. 4

School districts are exempt as well from the requirements of the Cortese-Knox Local Government Reorganization Act of 1985 (Gov. Code, §§ 56000-57385). (Gov. Code, § 56063, subd. (a)(4).)



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. CH2 Division Chancellor

Date: October 23, 2002

Subject: PETITION TO REORGANIZE DISTRICTS BY THE TRANSFER OF TERRITORY

RECEIVED

MAR 07 2003

The following resolution is presented for adoption:

- WHEREAS,** The Santa Monica Community College District solely owns two parcels of land that are coterminous with the the current borders of the Santa Monica Community College District; said parcels are more particularly Described in Exhibit A; and
- WHEREAS,** The two afore stated parcels are within the territory of the Los Angeles Community College District; and
- WHEREAS,** The subject property to be transferred is not residential and has no permanent or temporary residents living on the property, and therefore involves less than five (5%) percent of the adult population of either District, and since there has not been a transfer of property between the Districts in the last five (5) years; now, therefore, be it
- RESOLVED,** That the Board of Trustees of the Los Angeles Community College District, and the Board of Trustees of the Santa Monica Community College District do hereby petition the Los Angeles County Superintendent of Schools for an action to reorganize the Los Angeles Community College District and the Santa Monica Community College District pursuant to California Education Code Sections 74100, 74100(b), 74104, and 74250 by the transfer of the territory described in Exhibit A.

Approved by: _____

Mark Drummond, Chancellor

Chancellor and
Secretary to the Board of Trustees

By: Zamie Green

Date: 10/23/02

Candaele <u>✓</u>	Pearman <u>✓</u>
Field <u>✓</u>	Scott-Hayes <u>5</u> <u>✓</u>
Furutani <u>✓</u>	Waxman <u>✓</u>
Mercer <u>M</u> <u>✓</u>	Ramos <u>Aye</u>
	<small>Student Trustee Advisory Vote</small>

DESCRIPTION

PARCEL 1:

LOT 1 OF TRACT NO. 17636, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 482 PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL AND GAS AND MINERALS AND ALL OIL AND GAS AND MINERAL RIGHTS UNDER THE ABOVE DESCRIBED PREMISES, AS RESERVED IN DEED RECORDED MARCH 2, 1960 AS INSTRUMENT NO. 426, OFFICIAL RECORDS.

PARCEL 2:

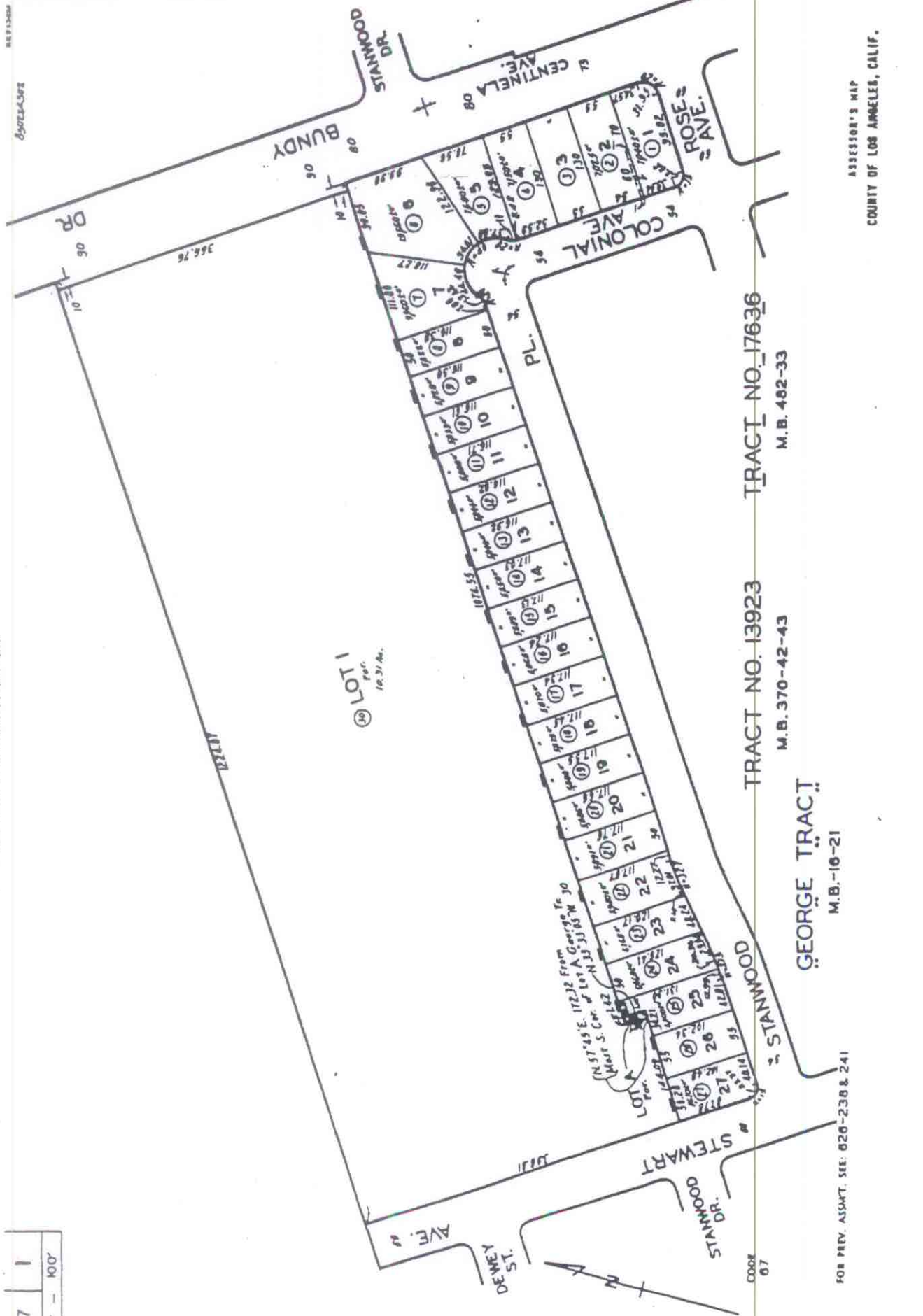
THAT PORTION OF LOT A OF THE GEORGE TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 16 PAGE 21 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

A STRIP OF LAND COMMENCING NORTH 57 DEGREES 45 MINUTES EAST 172.32 FEET FROM THE MOST SOUTH CORNER OF LOT A; THENCE NORTH 57 DEGREES 45 MINUTES EAST 1.42 FEET WITH A UNIFORM DEPTH OF 30 FEET NORTH 33 DEGREES 05 MINUTES WEST.

Clearance Title Ins. Co.

This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon.

4247	1
SCALE 1" = 100'	



FOR PREV. ASSWT. SEE: 020-230 & 241

M.B. 10-21

GEORGE TRACT

M.B. 370-42-43

TRACT NO. 13923

M.B. 482-33

TRACT NO. 17636

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

PETITION TO REORGANIZE DISTRICTS BY THE
TRANSFER OF TERRITORY (Communication No. CH2)

BOARD OF TRUSTEES
SIGNATURE SHEET

Nancy Pearlman
BOARD MEMBER

Georgia L. Mercer
BOARD MEMBER

Sylvia Scott-Stacy
BOARD MEMBER

Kelly Lindale
BOARD MEMBER

Michael Ward
BOARD MEMBER

Mona Freese
BOARD MEMBER

Allen B. Denton
BOARD MEMBER

BOARD OF TRUSTEES	Action
Santa Monica Community College District	November 4, 2002

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 13

RESOLUTION APPROVING THE PETITION TO
REORGANIZE DISTRICTS BY THE TRANSFER OF
TERRITORY

- WHEREAS, The Santa Monica Community College District solely owns two parcels of land that are coterminous with the current borders of the Santa Monica Community College District; said parcels are more particularly described in Exhibit A; and
- WHEREAS, The two afore stated parcels are within the territory of the Los Angeles Community College District; and
- WHEREAS, The subject property to be transferred is not residential and has no permanent or temporary residents living on the property, and therefore involves less than five (5%) percent of the adult population of either District, and since there has not been a transfer of property between the Districts in the last five (5) years; now therefore, be it
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District, and the Board of Trustees of the Santa Monica Community College District do hereby petition the Los Angeles County Superintendent of Schools for an action to reorganize the Los Angeles Community College District and the Santa Monica Community College District pursuant to California Education Code Sections 74100, 74100(b), 74104, and 74250 by the transfer of the territory described in Exhibit A.

Exhibit A

Page 1
Order No. 11045360

DESCRIPTION

PARCEL 1:

LOT 1 OF TRACT NO. 17636, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 482 PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL AND GAS AND MINERALS AND ALL OIL AND GAS AND MINERAL RIGHTS UNDER THE ABOVE DESCRIBED PREMISES, AS RESERVED IN DEED RECORDED MARCH 2, 1960 AS INSTRUMENT NO. 426, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF LOT A OF THE GEORGE TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 16 PAGE 21 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

A STRIP OF LAND COMMENCING NORTH 57 DEGREES 45 MINUTES EAST 172.32 FEET FROM THE MOST SOUTH CORNER OF LOT A; THENCE NORTH 57 DEGREES 45 MINUTES EAST 1.42 FEET WITH A UNIFORM DEPTH OF 30 FEET NORTH 33 DEGREES 05 MINUTES WEST.

DEWEY
ST.



GEORGE TRACY

M.B.-16-21

TRACT NO. 13923

M.B. 370-42-43

TRACT NO. 17636

M.B. 482-33

ASSessor's MAP
COUNTY OF LOS ANGELES, CALIF.

"This plan is for your aid in locating your land with reference to streets and other parcels. While this plan is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon."

RECOMMENDATION NO. 13


RESOLUTION APPROVING THE PETITION TO
REORGANIZE DISTRICTS BY THE TRANSFER OF
TERRITORY

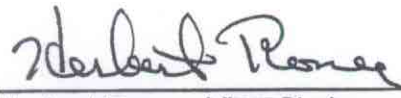
PASSED AND ADOPTED this 4th day of November, 2002, by the following vote:

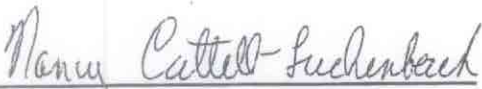
AYES: 7


NOES: 0

ABSENT: 0


Dr. Patrick Nicholson, Chair

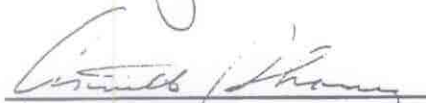

Herbert Roney, Vice-Chair


Dr. Nancy Cattell-Luckenbach


Carole Currey


Dr. Dorothy Ehrharat-Morrison


Dr. Margaret Quiñones


Annette Shamey

ATTEST:


Secretary of the Board of Trustees



Los Angeles County Committee on
School District Organization

Los Angeles County Education Center • 9300 Imperial Highway • Downey, CA 90242-2890

COPY

March 21, 2003

2003
County Committee Members

First Supervisorial District

John Nunez, *Chairperson*
Frank Ogaz

Second Supervisorial District

Joan Jakubowski
Erick R. Lee

Third Supervisorial District

Brenda Gottfried
AJ Willmer

Fourth Supervisorial District

Frank Bostrom
Owen H. Griffith

Fifth Supervisorial District

Sheldon Baker
Maurice Kunkel

At Large

Lloyd de Llamas, *Vice Chairperson*

Daniel G. Villanueva
Acting Secretary
(562) 940-1645



Los Angeles County
Office of Education

Mr. Fred Harris, Director
College Facilities and Finance
Board of Governors, California Community Colleges
1102 Q Street
Sacramento, CA 95814-6511

Dear Mr. Harris:

Proposed Transfer of Territory from the
Los Angeles Community College District (CCD) to the Santa Monica CCD

On March 7, 2003, the Los Angeles County Office of Education (LACOE) received a request from the Board of Education of the Los Angeles CCD to review a petition dated October 23, 2002, (Attachment 1) requesting to transfer certain uninhabited territory from the Los Angeles CCD to the Santa Monica CCD pursuant to Education Code (EC) §74100(b).

On December 12, 2002, LACOE received a November 4, 2002, resolution passed by the Santa Monica CCD Board of Education (Attachment 2) requesting to transfer certain uninhabited territory from the Los Angeles CCD to the Santa Monica CCD pursuant to EC §74100(b).

In accordance with EC §74104, on March 7, 2003, the Los Angeles County Superintendent of Schools (County Superintendent) found the petition/resolution to be sufficient and signed as required by law and hereby transmits it to the Board of Governors (BOG).

EC §74104 specifies that, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than five percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years.

In accordance with the requirements of Public Resources Code (PRC) §21092.5(b) pertaining to the California Environmental Quality Act (CEQA), LACOE will conduct a public hearing(s) on the potential environmental impact that the proposed transfer of territory from the Los Angeles CCD to the Santa Monica CCD may have on the area of transfer and the surrounding area.

Mr. Fred Harris, Director
College Facilities and Finance
March 21, 2003
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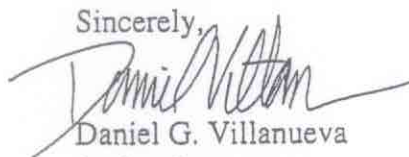
A Notice of Intent and Environmental Checklist Form will be available for public review for a period of not less than 30 days, pursuant to PRC §21091(b) at the offices of the Los Angeles County Registrar-Recorder/County Clerk (Registrar-Recorder) and State Clearinghouse.

The following outlines the tentative schedule of events regarding the processing of the subject proposal:

- Pursuant to EC §74104, transmit the petition to the BOG.
- Pursuant to PRC §21092.5(b) pertaining to CEQA, LACOE will conduct a public hearing(s) on the potential environmental impact that the proposed transfer of territory may have on the area of transfer and the surrounding area.
- Pursuant to PRC §21091(b), file a Notice of Intent and Environmental Checklist Form for public review for a period of not less than 30 days, with the Registrar-Recorder and State Clearinghouse.
- Pursuant to EC §74250, the County Superintendent will transmit the full administrative record to the Los Angeles County Board of Supervisor (Board of Supervisors) for the purpose of reestablishing the boundaries to reflect to transfer of territory.
- Pursuant to Government Code §54901(a) the County Superintendent will forward to the State Board of Equalization a certified copy of the ordinance or resolution by the Los Angeles County Board of Supervisors, ordering the creation of or change in boundary of the district or, a legal description of said boundaries and a map or plat indicating the boundaries.
- Pursuant to EC §74251(c) the reorganization shall become effective as of the beginning of the succeeding fiscal year.

Should you have any questions regarding the above, please call me at (562) 940-1645.

Sincerely,


Daniel G. Villanueva
Acting Secretary

DGV:mb
Attachments

Mr. Fred Harris, Director
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March 21, 2003
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cc: Ms. Martin, BOG, California Community Colleges
Mr. Drummond, Los Angeles CCD
Dr. Robertson, Santa Monica CCD
Mr. Donner, Santa Monica CCD
Ms. Sacks, Law Offices of Christensen, Miller, Fink, Jacobs, Glaser, Weil &
Shapiro, LLP
Ms. Curtis, Office of the Los Angeles County Counsel
Ms. Simons, LACOE
Ms. Deegan, LACOE



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. CH1 Division Chancellor

Date: February 26, 2003

Subject: RESOLUTION - TRANSFER OF TERRITORY PROPERTY TAX REVENUE

RECEIVED

MAR 07 2003

DIVISION OF BUSINESS
ADMINISTRATIVE SERVICES

The following resolution of the governing board of the Los Angeles Community College District approving the negotiated exchange of property tax revenue resulting from the transfer of territory from the Los Angeles Community College District to the Santa Monica Community College District is presented for adoption:

WHEREAS,

Pursuant to Section 99 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of property tax revenue to be exchanged between the affected agencies and approve the negotiated exchange of property tax revenues [Agreement] by resolution; and

WHEREAS,

Each district recognizes that under current school finance law changes in the amount of property tax revenue to a particular district have not direct bearing on the total amount of revenue income to be allowed to that district pursuant to Education Code Section 84751 et seq; now, therefore, be it

Approved by: Mark Drummond
Mark Drummond, Chancellor

Chancellor and
Secretary to the Board of Trustees

By: _____ Date: _____

Candaele <input checked="" type="checkbox"/>	Pearlman <input checked="" type="checkbox"/>
Field <input checked="" type="checkbox"/>	Scott-Hayes <input checked="" type="checkbox"/>
Furutani <input checked="" type="checkbox"/>	Waxman <input checked="" type="checkbox"/>
Mercer <input checked="" type="checkbox"/>	Ramos <input checked="" type="checkbox"/>
	Student Trustee Advisory Vote

Board of Trustees

Los Angeles Community College District

Com. No. CH1	Division Chancellor	Date: February 26, 2003
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RESOLVED,

That the Board of Trustees of the Los Angeles Community College District recognizes that no property tax revenue, resulting from Revenue and Taxation Code Section 95 to 97, will be transferred from the Los Angeles Community College District to the Santa Monica Community College District except for each fiscal year commencing on and after July 1, 2003. Any additional tax revenues pursuant to Revenue and Taxation Code Section 98, resulting from growth in the assessed valuation in the territory transferred, shall be allocated to the Santa Monica Community College District; and be it further

RESOLVED,

That the parties agree to submit the Agreement to Los Angeles County and the State of California in fulfillment of the requirements cited above.

Background: On October 23, 2002, the Board of Trustees approved the first phase of the actions required to transfer said territory from the District to the Santa Monica Community College District "Petition to Reorganize Districts by the Transfer of Territory" (Communication No. CH2). The current resolution involving property tax revenue completes the process for the transfer of territory. The General Counsel has reviewed the language of the recommended resolution and feels there are no significant legal or revenue issues of concern.

EXCHANGE OF PROPERTY TAX REVENUE RESOLUTION

**BOARD OF TRUSTEES
SIGNATURE SHEET**

Nancy Redman
BOARD MEMBER

Georgia L. Mercer
BOARD MEMBER

Ashlea Scott-Hayes
BOARD MEMBER

Kelly Arnold
BOARD MEMBER

Michael Wax
BOARD MEMBER

Mona Fiebel
BOARD MEMBER

Wendy J. Furtner
BOARD MEMBER

MEETING OF THE BOARD OF TRUSTEES
SANTA MONICA COMMUNITY COLLEGE DISTRICT
DECEMBER 16, 2002

RECEIVED
MAR 07 2003

RECOMMENDATION NO. 11

SANTA MONICA COMMUNITY COLLEGE DISTRICT APPROVING THE
NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE RESULTING FROM THE
TRANSFER OF TERRITORY FROM THE LOS ANGELES COMMUNITY COLLEGE
DISTRICT TO THE SANTA MONICA COMMUNITY COLLEGE DISTRICT

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of property tax revenue to be exchanged between the affected agencies and approve the negotiated exchange of property tax revenues [Agreement] by resolution; and,

WHEREAS, each district recognizes that under current school finance law changes in the amount of property tax revenue to a particular district have no direct bearing on the total amount of revenue income to be allowed to that district pursuant to Education Code Section 84751 *et seq.*

NOW THEREFORE, be it resolved as follows:

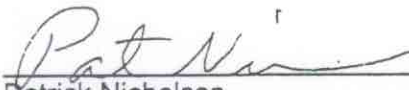
Section I: No property tax revenue, resulting from Revenue and Taxation Code Section 95 to 97, will be transferred from the Los Angeles Community College District to the Santa Monica community College District except for each fiscal year commencing on and after July 1, 2003: Any additional tax revenues pursuant to Revenue and Taxation Code Section 98, resulting from growth in the assessed valuation in the territory transferred, shall be allocated to the Santa Monica Community College District.

Section II: The parties agree to submit the Agreement to Los Angeles County and the State of California in fulfillment of the requirements cited above.

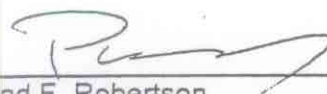
IN WITNESS WHEREOF, the parties, by officer duly authorized, do subscribe to this Agreement this 16th Day of December, 2002.

PASSED AND ADOPTED this 16th day of December, 2002, by the following vote:

AYES: 6 (Currey, Ehrhart-Morrison, Greenstein, Nicholson, Roney, Shamey)
NOES: 0
ABSENT: 1 (Quinones)


Patrick Nicholson
Chair of the Board of Trustees

ATTEST:


Piedad F. Robertson
Secretary of the Board of Trustees

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	December 16, 2002

CONSENT AGENDA

It is recommended that the Board of Trustees approve/ratify the Consent Agenda, Recommendations #2-#22 (Recommendation #17-J was pulled - no action taken)

Recommendations pulled for questions/comments: #17-D, #17-K

Action on Consent Agenda

MOTION MADE BY:	Carole Currey
SECONDED BY:	Allison Sandera
STUDENT ADVISORY:	Aye
AYES:	6
NOES:	0
ABSENT:	1 (Quiñones)

RECEIVED

MAR 07 2003

STATEMENT OF BOUNDARY CHANGE

STATE OF CALIFORNIA
BOARD OF EQUALIZATIONPlease mail to the Board of Equalization, Tax Area Services Section, 450 N Street, MIC:59,
P.O. Box 942879, Sacramento, California 94279-0059.

BOE USE ONLY

B.O.E. File No.:

County: Los Angeles	County #: 19	Acreage: 10.4	Fee: \$ 800	Res./Ord. No.:
Conducting Authority: Los Angeles County Office of Education				LAFCo. Res.:
Short Form Designation:				Effective Date: May 1, 2003

1. Type of
action:
(check one
only)

<input type="checkbox"/> 01 Annexation to district	<input type="checkbox"/> 06 Consolidation of TRA's	<input type="checkbox"/> 10 Redevelopment
<input type="checkbox"/> 02 Annexation to city	<input type="checkbox"/> 07 Detachment from district	<input type="checkbox"/> 11 Name change
<input type="checkbox"/> 04 City incorporation	<input type="checkbox"/> 08 Dissolution of district	<input type="checkbox"/> 12 Reorganization
<input type="checkbox"/> 05 Consolidation of district	<input checked="" type="checkbox"/> 09 Formation-District	<input checked="" type="checkbox"/> 13 School district change

2. Principal
City/District(s)
affected by
action:

DISTRICT NAME	DISTRICT NAME
Transfer of Territory from the	to the Santa Monica Community
Los Angeles Community College	College District
District	

3. Affected
territory is
legally:

<input checked="" type="checkbox"/> Inhabited	<input checked="" type="checkbox"/> Developed	Number of Areas: 10.4
<input type="checkbox"/> Uninhabited	<input type="checkbox"/> Undeveloped	

4. The affected
territory:

<input checked="" type="checkbox"/>	Will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.
<input type="checkbox"/>	Will not be taxed for existing bonded indebtedness or contractual obligations.

5. Election:

<input type="checkbox"/>	An election authorizing this action was held on _____ date
<input checked="" type="checkbox"/>	This action is exempt from election.

6. Enclosed are
the following
items required
at the time of
filing:

<input checked="" type="checkbox"/> Fees	<input checked="" type="checkbox"/> Map(s) and supporting documents
<input checked="" type="checkbox"/> Legal description	Assessor parcel number(s) of affected territory
Resolution of conducting authority	County auditor's letter of TRA assignment
Certificate of Completion (LAFCO only)	(consolidated counties only)

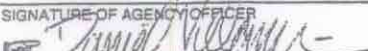
7. City
boundary
changes
only:

<input type="checkbox"/>	Map of limiting addresses (2 copies)	<input type="checkbox"/>	Vicinity maps (2 copies)
<input type="checkbox"/>	Alphabetical list of all streets within the affected area to include beginning and ending street numbers		
<input type="checkbox"/>	Estimated population is:		

8. Required:

According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

Board of Equalization will acknowledge receipt of filing to:

NAME Daniel G. Villanueva	BOE USE ONLY chk #: amt: ttr #: DATE 5/14/03
TITLE Assistant Director, Business Advisory Services	
AGENCY Los Angeles County Office of Education	
STREET 9300 Imperial Highway	
CITY Downey	
ZIP CODE 90242	
TELEPHONE NO. (562) 922-6144	
FAX NO. (562) 803-4787	
E-MAIL ADDRESS Villanueva_danny@laoe.edu	
SIGNATURE OF AGENCY OFFICER 	

**SANTA MONICA COMMUNITY COLLEGE
REVOLVING CASH FUND**

1900 PICO BLVD
SANTA MONICA, CA 90405-1628

3501

90-3582/1222 4646

DATE May 13, 2003

PAY TO THE ORDER OF Department of Equalization***** \$ 800.00

SMCC 58000000

DOLLARS ☒ Security features included. Details on back.

usbank.

1-800-873-3532
usbank.com

Transfer of property tax revenue for BAE
property from LACCD to SMCCD

FOR

Robert G. Parker

MP

⑈00350⑈ ⑆12223582⑆ ⑆164300959503⑈